

As Passed by the Senate

**127th General Assembly
Regular Session
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Sub. S. B. No. 247

Senator Spada

**Cosponsors: Senators Grendell, Seitz, Padgett, Schuring, Buehrer, Mumper,
Cates, Roberts, Cafaro, Kearney, Morano, Bocchieri, Carey, Fedor, Harris,
Niehaus, Schaffer, Wagoner, Miller, R., Stivers, Miller, D.**

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A B I L L

To amend sections 109.572, 926.29, 1733.13, 1733.15, 1
1733.19, 1733.29, 1733.329, and 1733.34 and to 2
enact sections 1121.23, 1155.03, 1163.05, 3
1315.141, 1733.241, 1733.242, 1733.243, 1733.291, 4
1733.292, 1733.47, and 1761.26 of the Revised Code 5
to make changes in the Credit Union Regulation Law 6
and to require criminal background checks whenever 7
the approval of the Superintendent of Financial 8
Institutions is required for a person to serve as 9
a director, officer, or controlling person of a 10
bank, savings and loan association, savings bank, 11
money transmitter, credit union, or credit union 12
share guaranty corporation. 13
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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 109.572, 926.29, 1733.13, 1733.15, 15
1733.19, 1733.29, 1733.329, and 1733.34 be amended and sections 16
1121.23, 1155.03, 1163.05, 1315.141, 1733.241, 1733.242, 1733.243, 17
1733.291, 1733.292, 1733.47, and 1761.26 of the Revised Code be 18

enacted to read as follows:

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Sec. 109.572. (A)(1) Upon receipt of a request pursuant to section 121.08, 3301.32, 3301.541, 3319.39, 5104.012, or 5104.013 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

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(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, or a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense;

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(b) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A)(1)(a) of

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this section. 50

(2) On receipt of a request pursuant to section 5123.081 of 51
the Revised Code with respect to an applicant for employment in 52
any position with the department of mental retardation and 53
developmental disabilities, pursuant to section 5126.28 of the 54
Revised Code with respect to an applicant for employment in any 55
position with a county board of mental retardation and 56
developmental disabilities, or pursuant to section 5126.281 of the 57
Revised Code with respect to an applicant for employment in a 58
direct services position with an entity contracting with a county 59
board for employment, a completed form prescribed pursuant to 60
division (C)(1) of this section, and a set of fingerprint 61
impressions obtained in the manner described in division (C)(2) of 62
this section, the superintendent of the bureau of criminal 63
identification and investigation shall conduct a criminal records 64
check. The superintendent shall conduct the criminal records check 65
in the manner described in division (B) of this section to 66
determine whether any information exists that indicates that the 67
person who is the subject of the request has been convicted of or 68
pleaded guilty to any of the following: 69

(a) A violation of section 2903.01, 2903.02, 2903.03, 70
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 71
2903.341, 2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 72
2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 73
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 74
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 75
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 76
2925.03, or 3716.11 of the Revised Code; 77

(b) An existing or former municipal ordinance or law of this 78
state, any other state, or the United States that is substantially 79
equivalent to any of the offenses listed in division (A)(2)(a) of 80
this section. 81

(3) On receipt of a request pursuant to section 173.27, 82
173.394, 3712.09, 3721.121, or 3722.151 of the Revised Code, a 83
completed form prescribed pursuant to division (C)(1) of this 84
section, and a set of fingerprint impressions obtained in the 85
manner described in division (C)(2) of this section, the 86
superintendent of the bureau of criminal identification and 87
investigation shall conduct a criminal records check with respect 88
to any person who has applied for employment in a position for 89
which a criminal records check is required by those sections. The 90
superintendent shall conduct the criminal records check in the 91
manner described in division (B) of this section to determine 92
whether any information exists that indicates that the person who 93
is the subject of the request previously has been convicted of or 94
pleaded guilty to any of the following: 95

(a) A violation of section 2903.01, 2903.02, 2903.03, 96
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 97
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 98
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 99
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 100
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 101
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 102
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 103
2925.22, 2925.23, or 3716.11 of the Revised Code; 104

(b) An existing or former law of this state, any other state, 105
or the United States that is substantially equivalent to any of 106
the offenses listed in division (A)(3)(a) of this section. 107

(4) On receipt of a request pursuant to section 3701.881 of 108
the Revised Code with respect to an applicant for employment with 109
a home health agency as a person responsible for the care, 110
custody, or control of a child, a completed form prescribed 111
pursuant to division (C)(1) of this section, and a set of 112
fingerprint impressions obtained in the manner described in 113

division (C)(2) of this section, the superintendent of the bureau 114
of criminal identification and investigation shall conduct a 115
criminal records check. The superintendent shall conduct the 116
criminal records check in the manner described in division (B) of 117
this section to determine whether any information exists that 118
indicates that the person who is the subject of the request 119
previously has been convicted of or pleaded guilty to any of the 120
following: 121

(a) A violation of section 2903.01, 2903.02, 2903.03, 122
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 123
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 124
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 125
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 126
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 127
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 128
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a 129
violation of section 2925.11 of the Revised Code that is not a 130
minor drug possession offense; 131

(b) An existing or former law of this state, any other state, 132
or the United States that is substantially equivalent to any of 133
the offenses listed in division (A)(4)(a) of this section. 134

(5) On receipt of a request pursuant to section 5111.032, 135
5111.033, or 5111.034 of the Revised Code, a completed form 136
prescribed pursuant to division (C)(1) of this section, and a set 137
of fingerprint impressions obtained in the manner described in 138
division (C)(2) of this section, the superintendent of the bureau 139
of criminal identification and investigation shall conduct a 140
criminal records check. The superintendent shall conduct the 141
criminal records check in the manner described in division (B) of 142
this section to determine whether any information exists that 143
indicates that the person who is the subject of the request 144
previously has been convicted of, has pleaded guilty to, or has 145

been found eligible for intervention in lieu of conviction for any 146
of the following: 147

(a) A violation of section 2903.01, 2903.02, 2903.03, 148
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 149
2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 150
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 151
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 152
2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 153
2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 154
2913.40, 2913.43, 2913.47, 2913.48, 2913.49, 2913.51, 2917.11, 155
2919.12, 2919.22, 2919.24, 2919.25, 2921.13, 2921.36, 2923.02, 156
2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 2925.04, 157
2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 2925.23, or 158
3716.11 of the Revised Code, felonious sexual penetration in 159
violation of former section 2907.12 of the Revised Code, a 160
violation of section 2905.04 of the Revised Code as it existed 161
prior to July 1, 1996, a violation of section 2919.23 of the 162
Revised Code that would have been a violation of section 2905.04 163
of the Revised Code as it existed prior to July 1, 1996, had the 164
violation been committed prior to that date; 165

(b) An existing or former law of this state, any other state, 166
or the United States that is substantially equivalent to any of 167
the offenses listed in division (A)(5)(a) of this section. 168

(6) On receipt of a request pursuant to section 3701.881 of 169
the Revised Code with respect to an applicant for employment with 170
a home health agency in a position that involves providing direct 171
care to an older adult, a completed form prescribed pursuant to 172
division (C)(1) of this section, and a set of fingerprint 173
impressions obtained in the manner described in division (C)(2) of 174
this section, the superintendent of the bureau of criminal 175
identification and investigation shall conduct a criminal records 176
check. The superintendent shall conduct the criminal records check 177

in the manner described in division (B) of this section to 178
determine whether any information exists that indicates that the 179
person who is the subject of the request previously has been 180
convicted of or pleaded guilty to any of the following: 181

(a) A violation of section 2903.01, 2903.02, 2903.03, 182
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 183
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 184
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 185
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 186
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 187
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 188
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 189
2925.22, 2925.23, or 3716.11 of the Revised Code; 190

(b) An existing or former law of this state, any other state, 191
or the United States that is substantially equivalent to any of 192
the offenses listed in division (A)(6)(a) of this section. 193

(7) When conducting a criminal records check upon a request 194
pursuant to section 3319.39 of the Revised Code for an applicant 195
who is a teacher, in addition to the determination made under 196
division (A)(1) of this section, the superintendent shall 197
determine whether any information exists that indicates that the 198
person who is the subject of the request previously has been 199
convicted of or pleaded guilty to any offense specified in section 200
3319.31 of the Revised Code. 201

(8) On receipt of a request pursuant to section 2151.86 of 202
the Revised Code, a completed form prescribed pursuant to division 203
(C)(1) of this section, and a set of fingerprint impressions 204
obtained in the manner described in division (C)(2) of this 205
section, the superintendent of the bureau of criminal 206
identification and investigation shall conduct a criminal records 207
check in the manner described in division (B) of this section to 208
determine whether any information exists that indicates that the 209

person who is the subject of the request previously has been 210
convicted of or pleaded guilty to any of the following: 211

(a) A violation of section 2903.01, 2903.02, 2903.03, 212
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 213
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 214
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 215
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 216
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 217
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 218
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, a 219
violation of section 2905.04 of the Revised Code as it existed 220
prior to July 1, 1996, a violation of section 2919.23 of the 221
Revised Code that would have been a violation of section 2905.04 222
of the Revised Code as it existed prior to July 1, 1996, had the 223
violation been committed prior to that date, a violation of 224
section 2925.11 of the Revised Code that is not a minor drug 225
possession offense, or felonious sexual penetration in violation 226
of former section 2907.12 of the Revised Code; 227

(b) A violation of an existing or former law of this state, 228
any other state, or the United States that is substantially 229
equivalent to any of the offenses listed in division (A)(8)(a) of 230
this section. 231

(9) When conducting a criminal records check on a request 232
pursuant to section 5104.013 of the Revised Code for a person who 233
is an owner, licensee, or administrator of a child day-care center 234
or type A family day-care home, an authorized provider of a 235
certified type B family day-care home, or an adult residing in a 236
type A or certified type B home, or when conducting a criminal 237
records check or a request pursuant to section 5104.012 of the 238
Revised Code for a person who is an applicant for employment in a 239
center, type A home, or certified type B home, the superintendent, 240
in addition to the determination made under division (A)(1) of 241

this section, shall determine whether any information exists that 242
indicates that the person has been convicted of or pleaded guilty 243
to any of the following: 244

(a) A violation of section 2913.02, 2913.03, 2913.04, 245
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 246
2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 247
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2921.11, 248
2921.13, or 2923.01 of the Revised Code, a violation of section 249
2923.02 or 2923.03 of the Revised Code that relates to a crime 250
specified in this division or division (A)(1)(a) of this section, 251
or a second violation of section 4511.19 of the Revised Code 252
within five years of the date of application for licensure or 253
certification. 254

(b) A violation of an existing or former law of this state, 255
any other state, or the United States that is substantially 256
equivalent to any of the offenses or violations described in 257
division (A)(9)(a) of this section. 258

(10) Upon receipt of a request pursuant to section 5153.111 259
of the Revised Code, a completed form prescribed pursuant to 260
division (C)(1) of this section, and a set of fingerprint 261
impressions obtained in the manner described in division (C)(2) of 262
this section, the superintendent of the bureau of criminal 263
identification and investigation shall conduct a criminal records 264
check in the manner described in division (B) of this section to 265
determine whether any information exists that indicates that the 266
person who is the subject of the request previously has been 267
convicted of or pleaded guilty to any of the following: 268

(a) A violation of section 2903.01, 2903.02, 2903.03, 269
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 270
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 271
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 272
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 273

2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 274
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 275
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 276
felonious sexual penetration in violation of former section 277
2907.12 of the Revised Code, a violation of section 2905.04 of the 278
Revised Code as it existed prior to July 1, 1996, a violation of 279
section 2919.23 of the Revised Code that would have been a 280
violation of section 2905.04 of the Revised Code as it existed 281
prior to July 1, 1996, had the violation been committed prior to 282
that date, or a violation of section 2925.11 of the Revised Code 283
that is not a minor drug possession offense; 284

(b) A violation of an existing or former law of this state, 285
any other state, or the United States that is substantially 286
equivalent to any of the offenses listed in division (A)(10)(a) of 287
this section. 288

(11) On receipt of a request for a criminal records check 289
from an individual pursuant to section 4749.03 or 4749.06 of the 290
Revised Code, accompanied by a completed copy of the form 291
prescribed in division (C)(1) of this section and a set of 292
fingerprint impressions obtained in a manner described in division 293
(C)(2) of this section, the superintendent of the bureau of 294
criminal identification and investigation shall conduct a criminal 295
records check in the manner described in division (B) of this 296
section to determine whether any information exists indicating 297
that the person who is the subject of the request has been 298
convicted of or pleaded guilty to a felony in this state or in any 299
other state. If the individual indicates that a firearm will be 300
carried in the course of business, the superintendent shall 301
require information from the federal bureau of investigation as 302
described in division (B)(2) of this section. The superintendent 303
shall report the findings of the criminal records check and any 304
information the federal bureau of investigation provides to the 305

director of public safety. 306

(12) On receipt of a request pursuant to section 1322.03, 307
1322.031, or 4763.05 of the Revised Code, a completed form 308
prescribed pursuant to division (C)(1) of this section, and a set 309
of fingerprint impressions obtained in the manner described in 310
division (C)(2) of this section, the superintendent of the bureau 311
of criminal identification and investigation shall conduct a 312
criminal records check with respect to any person who has applied 313
for a license, permit, or certification from the department of 314
commerce or a division in the department. The superintendent shall 315
conduct the criminal records check in the manner described in 316
division (B) of this section to determine whether any information 317
exists that indicates that the person who is the subject of the 318
request previously has been convicted of or pleaded guilty to any 319
of the following: a violation of section 2913.02, 2913.11, 320
2913.31, 2913.51, or 2925.03 of the Revised Code; any other 321
criminal offense involving theft, receiving stolen property, 322
embezzlement, forgery, fraud, passing bad checks, money 323
laundering, or drug trafficking, or any criminal offense involving 324
money or securities, as set forth in Chapters 2909., 2911., 2913., 325
2915., 2921., 2923., and 2925. of the Revised Code; or any 326
existing or former law of this state, any other state, or the 327
United States that is substantially equivalent to those offenses. 328

(13) On receipt of a request for a criminal records check 329
from the treasurer of state under section 113.041 of the Revised 330
Code or from an individual under section 4701.08, 4715.101, 331
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 332
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 333
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 334
4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 335
4762.031, 4762.06, or 4779.091 of the Revised Code, accompanied by 336
a completed form prescribed under division (C)(1) of this section 337

and a set of fingerprint impressions obtained in the manner 338
described in division (C)(2) of this section, the superintendent 339
of the bureau of criminal identification and investigation shall 340
conduct a criminal records check in the manner described in 341
division (B) of this section to determine whether any information 342
exists that indicates that the person who is the subject of the 343
request has been convicted of or pleaded guilty to any criminal 344
offense in this state or any other state. The superintendent shall 345
send the results of a check requested under section 113.041 of the 346
Revised Code to the treasurer of state and shall send the results 347
of a check requested under any of the other listed sections to the 348
licensing board specified by the individual in the request. 349

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(14) On receipt of a request pursuant to section 1121.23, 351
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 352
Code, a completed form prescribed pursuant to division (C)(1) of 353
this section, and a set of fingerprint impressions obtained in the 354
manner described in division (C)(2) of this section, the 355
superintendent of the bureau of criminal identification and 356
investigation shall conduct a criminal records check in the manner 357
described in division (B) of this section to determine whether any 358
information exists that indicates that the person who is the 359
subject of the request previously has been convicted of or pleaded 360
guilty to any criminal offense under any existing or former law of 361
this state, any other state, or the United States. 362

(15) Not later than thirty days after the date the 363
superintendent receives a request of a type described in division 364
(A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), ~~or~~ 365
(12), or (14) of this section, the completed form, and the 366
fingerprint impressions, the superintendent shall send the person, 367
board, or entity that made the request any information, other than 368
information the dissemination of which is prohibited by federal 369

law, the superintendent determines exists with respect to the 370
person who is the subject of the request that indicates that the 371
person previously has been convicted of or pleaded guilty to any 372
offense listed or described in division (A)(1), (2), (3), (4), 373
(5), (6), (7), (8), (9), (10), (11), ~~or (12)~~, or (14) of this 374
section, as appropriate. The superintendent shall send the person, 375
board, or entity that made the request a copy of the list of 376
offenses specified in division (A)(1), (2), (3), (4), (5), (6), 377
(7), (8), (9), (10), (11), ~~or (12)~~, or (14) of this section, as 378
appropriate. If the request was made under section 3701.881 of the 379
Revised Code with regard to an applicant who may be both 380
responsible for the care, custody, or control of a child and 381
involved in providing direct care to an older adult, the 382
superintendent shall provide a list of the offenses specified in 383
divisions (A)(4) and (6) of this section. 384

Not later than thirty days after the superintendent receives 385
a request for a criminal records check pursuant to section 113.041 386
of the Revised Code, the completed form, and the fingerprint 387
impressions, the superintendent shall send the treasurer of state 388
any information, other than information the dissemination of which 389
is prohibited by federal law, the superintendent determines exist 390
with respect to the person who is the subject of the request that 391
indicates that the person previously has been convicted of or 392
pleaded guilty to any criminal offense in this state or any other 393
state. 394

(B) The superintendent shall conduct any criminal records 395
check requested under section 113.041, 121.08, 173.27, 173.394, 396
1121.23, 1155.03, 1163.05, 1315.141, 1322.03, 1322.031, 1733.47, 397
1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 398
3721.121, 3722.151, 4701.08, 4715.101, 4717.061, 4725.121, 399
4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 400
4731.171, 4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 401

4734.202, 4740.061, 4741.10, 4749.03, 4749.06, 4755.70, 4757.101, 402
4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 4762.06, 4763.05, 403
4779.091, 5104.012, 5104.013, 5111.032, 5111.033, 5111.034, 404
5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code as 405
follows: 406

(1) The superintendent shall review or cause to be reviewed 407
any relevant information gathered and compiled by the bureau under 408
division (A) of section 109.57 of the Revised Code that relates to 409
the person who is the subject of the request, including any 410
relevant information contained in records that have been sealed 411
under section 2953.32 of the Revised Code; 412

(2) If the request received by the superintendent asks for 413
information from the federal bureau of investigation, the 414
superintendent shall request from the federal bureau of 415
investigation any information it has with respect to the person 416
who is the subject of the request and shall review or cause to be 417
reviewed any information the superintendent receives from that 418
bureau. 419

(3) The superintendent or the superintendent's designee may 420
request criminal history records from other states or the federal 421
government pursuant to the national crime prevention and privacy 422
compact set forth in section 109.571 of the Revised Code. 423

(C)(1) The superintendent shall prescribe a form to obtain 424
the information necessary to conduct a criminal records check from 425
any person for whom a criminal records check is requested under 426
section 113.041 of the Revised Code or required by section 121.08, 427
173.27, 173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1322.03, 428
1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 429
3701.881, 3712.09, 3721.121, 3722.151, 4701.08, 4715.101, 430
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 431
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 432
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 433

4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 434
4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 435
5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 436
5126.281, or 5153.111 of the Revised Code. The form that the 437
superintendent prescribes pursuant to this division may be in a 438
tangible format, in an electronic format, or in both tangible and 439
electronic formats. 440

(2) The superintendent shall prescribe standard impression 441
sheets to obtain the fingerprint impressions of any person for 442
whom a criminal records check is requested under section 113.041 443
of the Revised Code or required by section 121.08, 173.27, 444
173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1322.03, 1322.031, 445
1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 446
3712.09, 3721.121, 3722.151, 4701.08, 4715.101, 4717.061, 447
4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 448
4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 449
4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4749.03, 4749.06, 450
4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 451
4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 5104.013, 452
5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 5126.281, or 453
5153.111 of the Revised Code. Any person for whom a records check 454
is requested under or required by any of those sections shall 455
obtain the fingerprint impressions at a county sheriff's office, 456
municipal police department, or any other entity with the ability 457
to make fingerprint impressions on the standard impression sheets 458
prescribed by the superintendent. The office, department, or 459
entity may charge the person a reasonable fee for making the 460
impressions. The standard impression sheets the superintendent 461
prescribes pursuant to this division may be in a tangible format, 462
in an electronic format, or in both tangible and electronic 463
formats. 464

(3) Subject to division (D) of this section, the 465

superintendent shall prescribe and charge a reasonable fee for 466
providing a criminal records check requested under section 467
113.041, 121.08, 173.27, 173.394, 1121.23, 1155.03, 1163.05, 468
1315.141, 1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 469
3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4701.08, 470
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 471
4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 472
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 473
4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 474
4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 475
5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 476
5126.281, or 5153.111 of the Revised Code. The person making a 477
criminal records request under section 113.041, 121.08, 173.27, 478
173.394, 1322.03, 1322.031, 2151.86, 3301.32, 3301.541, 3319.39, 479
3701.881, 3712.09, 3721.121, 3722.151, 4701.08, 4715.101, 480
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 481
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 482
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 483
4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 484
4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 485
5104.013, 5111.033, 5111.034, 5123.081, 5126.28, 5126.281, or 486
5153.111 of the Revised Code shall pay the fee prescribed pursuant 487
to this division. A person making a request under section 3701.881 488
of the Revised Code for a criminal records check for an applicant 489
who may be both responsible for the care, custody, or control of a 490
child and involved in providing direct care to an older adult 491
shall pay one fee for the request. In the case of a request under 492
section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, or 493
5111.032 of the Revised Code, the fee shall be paid in the manner 494
specified in that section. 495

(4) The superintendent of the bureau of criminal 497
identification and investigation may prescribe methods of 498

forwarding fingerprint impressions and information necessary to 499
conduct a criminal records check, which methods shall include, but 500
not be limited to, an electronic method. 501

(D) A determination whether any information exists that 502
indicates that a person previously has been convicted of or 503
pleaded guilty to any offense listed or described in division 504
(A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or 505
(b), (A)(5)(a) or (b), (A)(6)(a) or (b), (A)(7), (A)(8)(a) or (b), 506
(A)(9)(a) or (b), (A)(10)(a) or (b), ~~or~~ (A)(12), or (A)(14) of 507
this section, or that indicates that a person previously has been 508
convicted of or pleaded guilty to any criminal offense in this 509
state or any other state regarding a criminal records check of a 510
type described in division (A)(13) of this section, and that is 511
made by the superintendent with respect to information considered 512
in a criminal records check in accordance with this section is 513
valid for the person who is the subject of the criminal records 514
check for a period of one year from the date upon which the 515
superintendent makes the determination. During the period in which 516
the determination in regard to a person is valid, if another 517
request under this section is made for a criminal records check 518
for that person, the superintendent shall provide the information 519
that is the basis for the superintendent's initial determination 520
at a lower fee than the fee prescribed for the initial criminal 521
records check. 522

(E) As used in this section: 523

(1) "Criminal records check" means any criminal records check 524
conducted by the superintendent of the bureau of criminal 525
identification and investigation in accordance with division (B) 526
of this section. 527

(2) "Minor drug possession offense" has the same meaning as 528
in section 2925.01 of the Revised Code. 529

(3) "Older adult" means a person age sixty or older. 530

Sec. 926.29. (A) A delayed price agreement is an executory 531
contract that shall be in such a form and contain such terms as 532
the director of agriculture shall adopt by rule under Chapter 119. 533
of the Revised Code. The agreement shall be executed by and 534
between the licensed handler and the depositor or by their 535
authorized representatives not later than fifteen days after the 536
first delivery of an agricultural commodity is received for 537
delayed pricing under the agreement. The handler shall maintain a 538
file of executed agreements that are available for inspection at 539
any reasonable time by the director or the director's designated 540
representative. The handler also shall keep records and ledgers 541
the director considers necessary to document the handler's 542
obligation to the depositor under a delayed price agreement. The 543
handler also shall provide reports, forms, and other evidence the 544
director shall adopt by rule to document the storage and marketing 545
of commodities under the delayed price agreement. 546

(B) Subject to the lien that attaches under section 926.021 547
of the Revised Code and except as otherwise provided in division 548
(C) of this section, a licensed handler who purchases any 549
agricultural commodity under a delayed price agreement at all 550
times shall maintain the commodity, rights in the commodity, 551
proceeds from the sale of the commodity, or a combination of the 552
commodity, rights, and proceeds equal to at least ninety per cent 553
of the value of the handler's obligation for all commodities that 554
the handler has purchased that are not priced under delayed price 555
agreements. The obligation shall be secured or represented by one 556
or more of the following: 557

(1) Maintenance of the commodity in storage in the handler's 558
warehouse; 559

(2) Rights in commodities as evidenced by a receipt or ticket 560

for storage of the commodities under a bailment agreement in	561
another warehouse approved by the director;	562
(3) Proceeds from the sale of commodities as evidenced or	563
represented by one or more of the following:	564
(a) Cash on hand or held on account in a state or federally	565
licensed financial institution or a lending agency of the farm	566
credit administration;	567
(b) Short-term investments held in time accounts with state	568
or federally licensed financial institutions or a lending agency	569
of the farm credit administration;	570
(c) Balances in commodity margin accounts;	571
(d) Commodities sold and shipped by the handler under delayed	572
price agreements that have not been priced less any payments or	573
advances that have been received by the handler;	574
(e) Such other evidence of unencumbered assets as may be	575
acceptable to the director, including an irrevocable letter of	576
credit.	577
(C) In addition to the lien that attaches under section	578
926.021 of the Revised Code, a depositor who sells an agricultural	579
commodity to a licensed handler under a delayed price agreement,	580
upon giving notice to the handler either at or prior to the time	581
of delivery, may demand as security for payment for the commodity	582
an amount that, at the time of delivery, is equal to one hundred	583
per cent of the national loan rate value of the commodity under	584
the United States department of agriculture price support program,	585
or seventy-five per cent of the average price being paid for the	586
commodity in the state on the date of demand as published by the	587
market news service of the department of agriculture, whichever is	588
less. The handler shall satisfy a demand for security on a	589
commodity sold under a delayed price agreement at the handler's	590
option by one of the following:	591

(1) Payment to the depositor by cash or ~~bank~~ draft on the 592
account of the handler; 593

(2) Causing an irrevocable letter of credit to be issued to 594
the depositor by a ~~bank~~ financial institution designated by the 595
handler securing payment in the specified amount. The letter of 596
credit shall be subject to Chapter 1305. of the Revised Code and 597
rules adopted by the director pursuant to Chapter 119. of the 598
Revised Code. 599

Sec. 1121.23. Whenever the approval of the superintendent of 600
financial institutions is required under Chapters 1101. to 1127. 601
of the Revised Code, or under an order or supervisory action 602
issued or taken under those chapters, for a person to serve as an 603
organizer, incorporator, director, executive officer, or 604
controlling shareholder of a bank, or to otherwise have a 605
substantial interest in or participate in the management of a 606
bank, the superintendent shall request the superintendent of the 607
bureau of criminal identification and investigation, or a vendor 608
approved by the bureau, to conduct a criminal records check based 609
on the person's fingerprints in accordance with division (A)(14) 610
of section 109.572 of the Revised Code. The superintendent of 611
financial institutions shall request that criminal record 612
information from the federal bureau of investigation be obtained 613
as part of the criminal records check. Any fee required under 614
division (C)(3) of section 109.572 of the Revised Code shall be 615
paid by the person who is the subject of the request. 616

Sec. 1155.03. Whenever the approval of the superintendent of 617
financial institutions is required under Chapters 1151. to 1157. 618
of the Revised Code, or under an order or supervisory action 619
issued or taken under those chapters, for a person to serve as an 620
organizer, incorporator, director, executive officer, or 621
controlling person of a savings and loan association, or to 622

otherwise have a substantial interest in or participate in the 623
management of a savings and loan association, the superintendent 624
shall request the superintendent of the bureau of criminal 625
identification and investigation, or a vendor approved by the 626
bureau, to conduct a criminal records check based on the person's 627
fingerprints in accordance with division (A)(14) of section 628
109.572 of the Revised Code. The superintendent of financial 629
institutions shall request that criminal record information from 630
the federal bureau of investigation be obtained as part of the 631
criminal records check. Any fee required under division (C)(3) of 632
section 109.572 of the Revised Code shall be paid by the person 633
who is the subject of the request. 634

Sec. 1163.05. Whenever the approval of the superintendent of 635
financial institutions is required under Chapters 1161. to 1165. 636
of the Revised Code, or under an order or supervisory action 637
issued or taken under those chapters, for a person to serve as an 638
organizer, incorporator, director, executive officer, or 639
controlling person of a savings bank, or to otherwise have a 640
substantial interest in or participate in the management of a 641
savings bank, the superintendent shall request the superintendent 642
of the bureau of criminal identification and investigation, or a 643
vendor approved by the bureau, to conduct a criminal records check 644
based on the person's fingerprints in accordance with division 645
(A)(14) of section 109.572 of the Revised Code. The superintendent 646
of financial institutions shall request that criminal record 647
information from the federal bureau of investigation be obtained 648
as part of the criminal records check. Any fee required under 649
division (C)(3) of section 109.572 of the Revised Code shall be 650
paid by the person who is the subject of the request. 651

Sec. 1315.141. Whenever the approval of the superintendent of 652

financial institutions is required under sections 1315.01 to 653
1315.18 of the Revised Code, or under an order or supervisory 654
action issued or taken under those sections, for a person to serve 655
as an organizer, incorporator, director, executive officer, or 656
controlling person of a licensee, or to otherwise have a 657
substantial interest in or participate in the management of a 658
licensee, the superintendent shall request the superintendent of 659
the bureau of criminal identification and investigation, or a 660
vendor approved by the bureau, to conduct a criminal records check 661
based on the person's fingerprints in accordance with division 662
(A)(14) of section 109.572 of the Revised Code. The superintendent 663
of financial institutions shall request that criminal record 664
information from the federal bureau of investigation be obtained 665
as part of the criminal records check. Any fee required under 666
division (C)(3) of section 109.572 of the Revised Code shall be 667
paid by the person who is the subject of the request. 668

Sec. 1733.13. (A) Each voting member present in person, by 669
proxy, or by mail ballot is entitled to cast one vote, 670
irrespective of the number of shares ~~he~~ the member owns, on each 671
matter properly submitted to the members for their vote, consent, 672
waiver, release, or other action. 673

(B) The ~~chairman~~ chairperson of the board, the president, any 674
vice-president, secretary, or treasurer of any association member 675
of the credit union shall conclusively be presumed to have 676
authority to cast the vote of such association member and to 677
appoint proxies and execute consents, waivers, releases, on its 678
behalf, unless before a vote is taken or a consent, waiver, or 679
release is acted upon, it appears by a certified copy of the code 680
of regulations, bylaws, or a resolution of the trustees, 681
directors, or executive committee of the said association member, 682
that such authority does not exist or is vested in some other 683

officer or person. For the purposes of this section, a person 684
exercising such authority as such officer is prima-facie to be 685
considered duly elected, qualified, and acting as such officer. 686

(C) If the articles or regulations so provide, any person, 687
who is entitled to attend a members' meeting to vote thereat, or 688
to execute consents, waivers, or releases, may: 689

(1) Vote thereat, and execute consents, waivers, and 690
releases, and exercise any of ~~his~~ the person's other rights, by 691
mail ballot delivered to the office of the credit union at least 692
seven days prior to the date set for the meeting. At least thirty 693
days' notice shall be given to all eligible members of the date 694
set for such meeting. No mail ballot shall be valid after the 695
expiration of eleven months after delivery to the credit union. 696
The form of any mail ballot ~~must~~ shall comply with criteria 697
established by the superintendent or have the prior written 698
approval of the superintendent of credit unions. 699

(2) Be represented at such meeting or vote thereat, and 700
execute consents, waivers, and releases, and exercise any of ~~his~~ 701
the person's other rights, by proxy or proxies appointed by a 702
writing signed by such person. No appointment of a proxy shall be 703
valid after the expiration of eleven months after it is made. The 704
form of any proxy ~~must~~ shall comply with criteria established by 705
the superintendent or have the prior written approval of the 706
superintendent. 707

Sec. 1733.15. (A) Except as otherwise provided by law, the 708
articles, or regulations, the corporate powers of a credit union 709
shall be exercised, its business conducted, and its property 710
controlled by a board of directors, provided that the number of 711
directors fixed by the articles or regulations shall not be less 712
than five. 713

(B) All directors shall be voting members of the credit 714

union. 715

(C) The articles or regulations may divide directors into two 716
or more classes whose terms of office shall expire at different 717
times and may fix the term of office of the directors or of any 718
class of directors at not more than three years from the date of 719
their election. 720

(D) For their own government, the directors may adopt or 721
amend bylaws or adopt amended bylaws not inconsistent with the 722
articles or regulations. 723

(E) In discharging ~~his~~ official duties, a director may, when 724
acting with reasonable care and in good faith, rely upon the books 725
and records of the credit union, upon reports made to the credit 726
union by an officer or employee or by any other person selected 727
for the purpose with reasonable care by the credit union, and upon 728
financial statements or written reports prepared by an officer or 729
employee of the credit union in charge of its accounts or 730
certified by a public accountant or firm of public accountants. 731

(F) A credit union shall not elect or appoint a person to its 732
board of directors who is presently serving as a director of 733
another credit union, unless either of the following conditions 734
has been met: 735

(1) If the person presently serves on the board of directors 736
of a credit union having assets of less than five million dollars, 737
the credit union, prior to retaining the person's services, 738
notifies the superintendent of credit unions in writing of the 739
person's candidacy or appointment as a director. 740

(2) If the person presently serves on the board of directors 741
of a credit union having assets of five million dollars or more, 742
the superintendent has approved the person's candidacy or 743
appointment. 744

(G) If the number of candidates for the board of directors 745

does not exceed the number of director positions being elected, 746
those candidates shall be deemed elected and shall serve as set 747
forth in the articles or regulations. 748

Sec. 1733.19. (A) The regulations may provide for the 749
creation by the directors of an executive committee consisting of 750
not less than three directors, and may authorize the delegation to 751
any such committee of any of the authority of directors other than 752
any action requiring more than a majority vote of the board of 753
directors; provided, that the executive committee shall exercise 754
only such authority in the interim between the meetings of the 755
board and shall make a full report of, and the board shall review, 756
all actions taken at any meeting of such committee at the next 757
regular meeting of the board of directors following the meeting of 758
the executive committee. 759

(B) Unless the articles or regulations provide a different 760
method for the establishment of a supervisory audit committee, the 761
board of directors shall appoint a supervisory audit committee of 762
not less than three individual voting members for such term as is 763
provided in the regulations. The committee shall audit the books 764
of the credit union at least annually, using generally accepted 765
auditing procedures and standards, and shall report its findings 766
to the board. Under the supervision of the supervisory audit 767
committee, accounts showing installment payments by members upon 768
shares of the credit union shall be verified at least annually. 769

(C) In lieu of the appointment of a supervisory audit 770
committee as provided in division (B) of this section, the board 771
of directors may employ a public accountant or a firm of public 772
accountants to perform the functions of a supervisory audit 773
committee. The board of directors may appoint an audit committee 774
to oversee the public accountant or firm of public accountants. 775

(D) The superintendent of credit unions may require at any 776

time that a credit union have its accounts audited in accordance 777
with generally accepted auditing standards by an outside auditor. 778
The outside auditor shall be retained, and expense of any such 779
audit shall be paid, by the credit union. 780

(E) Unless the articles or regulations provide for the 781
appointment of loan officers in lieu of a credit committee, the 782
board of directors shall appoint, or the members shall elect, a 783
credit committee composed of not less than three individual voting 784
members, which committee shall have such powers in the granting of 785
loans and the supervision of lending practices as shall be 786
delegated to it by the articles, regulations, or resolutions of 787
the board of directors. The credit committee shall make regular 788
reports of their activities to the board of directors, and the 789
board of directors shall review the reports. 790

(F) If the articles or regulations so provide, a credit union 791
may establish an advisory board consisting of persons selected by 792
the board of directors or their designee. Persons serving on the 793
advisory board need not be members of the credit union, they may 794
be paid per diem not exceeding thirty dollars per day and expenses 795
for their services on such board, and their duties shall be to 796
make recommendations on financial and policy matters of the credit 797
union. 798

(G) A credit union may establish such other committee or 799
committees as shall be provided for in the articles, regulations, 800
bylaws, or by resolution of the board of directors. 801

Sec. 1733.241. (A) When a share, share account, or deposit is 802
made in the name of two or more persons, payable to either or the 803
survivor, the credit union may pay all of the share, share 804
account, deposit, any part of the share, share account, deposit, 805
or any interest earned on the share, share account, or deposit, to 806
either of the named persons, or the guardian of the estate of 807

either of the named persons, whether or not the other person is 808
living. The receipt or acquittance of the person paid is a 809
sufficient release and discharge of the credit union for any 810
payments made from the account to that person. 811

(B) A credit union may enter into a written contract with a 812
natural person for the proceeds of the person's shares, share 813
accounts, or deposits to be payable on the death of that person to 814
another person or to any entity or organization in accordance with 815
the terms, restrictions, and limitations set forth in sections 816
2131.10 and 2131.11 of the Revised Code. 817

Sec. 1733.242. (A) On the terms and conditions the credit 818
union prescribes, a credit union may do all of the following: 819

(1) Provide safes, vaults, safe deposit boxes, night 820
depositories, and other secure receptacles for the uses, purposes, 821
and benefits of its members; 822

(2) Receive tangible property and evidence of tangible or 823
intangible property for safekeeping using the credit union's 824
safes, vaults, secure receptacles, or safekeeping system; the 825
safes, vaults, secure receptacles, or safekeeping system of 826
another credit union; or the safekeeping system of a safekeeping 827
agent or custodian. 828

(B)(1) A credit union may enter into an agreement to rent a 829
safe deposit box to a minor and accept the appointment of a minor 830
as agent or deputy on any deposit or safe deposit box by any 831
person, including a minor, maintaining the deposit or safe deposit 832
box. 833

(2) When a credit union enters into a safe deposit box rental 834
agreement with a minor pursuant to division (B)(1) of this 835
section, all of the following apply: 836

(a) The terms and conditions of the safe deposit box rental 837

agreement are binding on the minor the same as a person of legal 838
age who rents a safe deposit box. 839

(b) The relationship between the credit union and the minor 840
regarding the safe deposit box rental agreement is in all respects 841
the same as if the minor were a person of legal age. 842

(c) The credit union shall incur no liability for any 843
transaction regarding the safe deposit box solely because of doing 844
business with a minor. 845

(3) Nothing in divisions (B)(1) and (2) of this section shall 846
be construed to limit the parental rights provided under section 847
2111.08 of the Revised Code or to limit the rights of a guardian 848
appointed pursuant to Chapter 2111. of the Revised Code. 849

(C) The superintendent of financial institutions shall 850
promulgate rules to qualify a credit union, safekeeping agent, or 851
custodian that may receive from another credit union tangible 852
property and evidence of tangible or intangible property for 853
safekeeping pursuant to division (A) of this section. 854

Sec. 1733.243. If any claim is made to any share, share 855
account, deposit, safe deposit box, property held in safekeeping, 856
security, obligation, or other property in the credit union's 857
possession or control, in whole or in part, by any person, 858
including any member, depositor, individual, or group of 859
individuals, without clear authority to draw on or exercise any 860
right or control with respect to the property, the credit union is 861
not required to recognize the claim without one of the following: 862

(A) A court order, issued by a court of competent 863
jurisdiction and served on the credit union, enjoining or 864
restraining the credit union from taking any action with respect 865
to the property or instructing the credit union to pay the balance 866
of the account, provide access to the safe deposit box, or deliver 867

the property as provided in the order; 868

(B) A bond, provided by the person making the claim, in the 869
form and amount and with sureties satisfactory to the credit 870
union, indemnifying the credit union against any liabilities, 871
loss, and expenses the credit union might incur because of its 872
recognition of the claim or because of its refusal, due to the 873
claim, to honor or recognize any right with respect to the 874
property. 875

Sec. 1733.29. (A) A credit union shall keep a permanent 876
record including: 877

(1) The original articles and regulations and amendments 878
thereto and any amended articles or regulations and amendments 879
thereto, all bearing the approval of the superintendent of credit 880
unions, and the articles shall bear the certification of the 881
secretary of state; 882

(2) The minutes of the incorporators, members, and board of 883
directors. 884

(B) A credit union shall keep for a period of not less than 885
six years the minutes of all committees of the board. 886

(C) A credit union shall keep and maintain such financial 887
records as the superintendent shall stipulate in rules issued by 888
the superintendent, which shall also include the minimum length of 889
time such records must be retained. 890

(D) A credit union shall maintain an alphabetical listing or 891
classified listing of the addresses of members of the credit 892
union. 893

(E) A credit union shall maintain a copy of any suspicious 894
activity report it files pursuant to rules adopted by the 895
superintendent or national credit union administration regulation, 896
and the original of all attachments to the report, for a period of 897

five years from the date the report is filed. 898

(F) A credit union shall keep any other records of its 899
business and transactions and maintain the authorized processes 900
for recording or storing documents or instruments, as may be 901
required by rules promulgated by the superintendent. 902

~~(F)~~(G) A credit union may keep documents in electronic form 903
if, in the regular course of business, a credit union possesses, 904
records, or generates any document, representation, image, 905
reproduction, or combination thereof, of any agreement, 906
transaction, act, occurrence, or event, then the recording, 907
comprising, or reproduction shall have the same force and effect 908
as one comprised, recorded, or created on paper or other tangible 909
form by writing, typing, printing, or similar means. 910

~~(G)~~(H)(1) A credit union may make use of digital signatures 911
in any communication, acknowledgment, agreement, or contract 912
between a credit union and its member or any other person, in 913
which a signature is required or used. 914

(2)(a) Any party to the communication, acknowledgment, 915
agreement, or contract may affix a signature by use of a digital 916
signature. 917

(b) The digital signature, when lawfully used by the person 918
whose signature it purports to be, shall have the same force and 919
effect as the use of a manual signature if it is unique to the 920
person using it, is capable of verification, is under the sole 921
control of the person using it, and is linked to data in such a 922
manner that if the data are changed, the digital signature is 923
invalidated. 924

(c) Nothing in this section requires any credit union to use 925
or permit the use of a digital signature. 926

(d) As used in division ~~(G)~~(H) of this section, "digital 927
signature" means an encrypted electronic identifier, created by 928

computer, intended by the party using it to have the same force 929
and effect as the use of a manual signature. 930

~~(H) Recordings, copies, photographic images, or stored 931
representations of original documents, papers, or other 932
instruments or records made in accordance with this section, or 933
reproductions of original documents, papers, or other instruments 934
or records produced from recordings, copies, photographic images, 935
or stored representations made in accordance with this section, 936
when properly identified by the officer by whom or under whose 937
supervision they were made or who has custody of them, have the 938
same effect at law as the original records or records made by any 939
other legally authorized means. They may be offered in the same 940
manner and shall be received in evidence in any court where the 941
original records, or records made by other legally authorized 942
means, could have been introduced and received. Certified or 943
authenticated duplicates of recordings, copies, photographic 944
images, or stored representations of original documents, papers, 945
or other instruments or records made in accordance with this 946
section, or of reproductions of original documents, papers, or 947
other instruments or records produced from recordings, copies, 948
photographic images, or stored representations made in accordance 949
with this section, shall be admitted in evidence in the same 950
manner as the original documents, papers, or other instruments or 951
records. 952~~

Sec. 1733.291. (A) Every credit union shall retain or 953
preserve the following credit union records and supporting 954
documents for only the following periods of time: 955

(1) For one year: 956

(a) Broker's confirmations, invoices, and statements relating 957
to security transactions of the credit union or for or with its 958
customers, after the date of transaction; 959

<u>(b) Corporate resolutions, partnership authorizations, and similar authorizations relating to closed accounts, loans that have been paid, or other completed transactions, after the date of closing, payment, or completion;</u>	960
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<u>(c) Ledger records of safe deposit accounts, after the date of last entry on the ledger;</u>	964
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<u>(d) Night depository records, after the date of transaction;</u>	966
<u>(e) Records relating to closed Christmas club or similar limited duration special purpose accounts, after the date of closing;</u>	967
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	969
<u>(f) Records relating to customer collection accounts, after the date of transaction;</u>	970
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<u>(g) Stop payment orders, after the effective date;</u>	972
<u>(h) All records relating to closed consumer credit loans and discounts, after the date of closing;</u>	973
	974
<u>(i) Deposit tickets relating to demand deposit accounts, after the date of deposit.</u>	975
	976
<u>(2) For six years:</u>	977
<u>(a) Deposit and withdrawal tickets relating to open or closed savings accounts, after the date of transaction;</u>	978
	979
<u>(b) Individual ledger sheets or other records serving the same purpose that show a zero balance and that relate to demand, time, or savings deposit accounts, and safekeeping accounts, after the date of last entry, or, where the ledger sheets or other records show an open balance, after the date of transfer of the amount of the balance to another ledger sheet or record;</u>	980
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<u>(c) Official checks, drafts, money orders, and other instruments for the payment of money issued by the credit union and that have been canceled, after the date of issue;</u>	986
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	988

<u>(d) Records relating to closed escrow accounts, after the date of closing;</u>	989
	990
<u>(e) Records, other than corporate resolutions, partnership authorizations, and similar authorizations relating to closed loans and discounts other than consumer credit loans and discounts, after the date of closing;</u>	991
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<u>(f) Safe deposit access tickets and correspondence or documents relating to access, after the date of transaction;</u>	995
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<u>(g) Lease or contract records relating to closed safe deposit accounts, after the date of closing;</u>	997
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<u>(h) Signature cards relating to closed demand, savings, or time accounts, closed safe deposit accounts, and closed safekeeping accounts, after the date of closing;</u>	999
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<u>(i) Undelivered statements for demand deposit, negotiable order of withdrawal, savings, agency, brokerage, or other accounts for which customer statements are prepared, and canceled checks or other items, after the date of statement, provided the credit union has attempted to send the statements and checks or other items to its customer, has held them pursuant to the instructions of or an agreement with its customer, or has made them available to its customer.</u>	1002
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<u>(B) The superintendent of financial institutions may designate a retention period of either one year or six years for any record maintained by a credit union but not listed in division (A) of this section. The credit union shall retain or preserve records that are not listed in division (A) of this section and for which the superintendent has not designated a retention period for six years from the date of completion of the transaction to which the record relates or, if the last entry has been transferred to a new record showing the continuation of a transaction not yet completed, from the date of the last entry.</u>	1010
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(C) The requirements of divisions (A) and (B) of this section 1020
may be complied with by the preservation of records in the manner 1021
prescribed in section 1733.29 of the Revised Code. 1022

(D) In construing the terms set forth in division (A) of this 1023
section, reference may be made to general credit union usage. 1024

(E) A credit union may dispose of any records that have been 1025
retained or preserved for the period set forth in divisions (A) 1026
and (B) of this section. 1027

(F) Any action by or against a credit union based on, or the 1028
determination of which would depend on, the contents of records 1029
for which a period of retention or preservation is set forth in 1030
divisions (A) and (B) of this section shall be brought within the 1031
time for which the record must be retained or preserved. 1032

(G) Where a record may be classified under either division 1033
(A)(1) or (2) of this section, the credit union shall retain or 1034
preserve the record for the period set forth in division (A)(2) of 1035
this section. 1036

Sec. 1733.292. (A) A credit union may, for any business 1037
purpose, retain a document, paper, or other instrument or record 1038
by use of a process to record, copy, photograph, or store a 1039
representation of the original document, paper, or other 1040
instrument or record, if all of the following apply: 1041

(1) The process correctly and accurately copies or 1042
reproduces, or provides a means for correctly and accurately 1043
copying or reproducing, the original document, paper, or other 1044
instrument or record with regard to both its substance and 1045
appearance, except the copy or reproduction need not reflect the 1046
original paper or other medium, size, or color, unless the medium, 1047
size, or color is necessary to establish the authenticity of the 1048
original. 1049

(2) The process does not permit the recording, copy, photographic image, or stored representation of the original document, paper, or other instrument or record to be altered or manipulated. 1050
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1053

(3) Any medium the process uses to record, copy, photograph, or store a representation of the original document, paper, or other instrument or record is a durable medium for retaining and reproducing records. 1054
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(B) The superintendent of financial institutions shall identify and publish a list of processes that satisfy the conditions of division (A) of this section. 1058
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(C) Each credit union that uses a process authorized by this section to preserve any of its records shall also provide for safekeeping and for examining, viewing, or projecting the records preserved, and for producing reproductions of the original records. 1061
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(D) Recordings, copies, photographic images, or stored representations of original documents, papers, or other instruments or records made in accordance with this section, or reproductions of original documents, papers, or other instruments or records produced from recordings, copies, photographic images, or stored representations made in accordance with this section, when properly identified by the officer by whom or under whose supervision they were made or who has custody of them, have the same effect at law as the original records or records made by any other legally authorized means. They may be offered in the same manner and shall be received in evidence in any court where the original records, or records made by other legally authorized means, could have been introduced and received. Certified or authenticated duplicates of recordings, copies, photographic images, or stored representations of original documents, papers, or other instruments or records made in accordance with this 1066
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section, or of reproductions of original documents, papers, or 1082
other instruments or records produced from recordings, copies, 1083
photographic images, or stored representations made in accordance 1084
with this section, shall be admitted in evidence in the same 1085
manner as the original documents, papers, or other instruments or 1086
records. 1087

Sec. 1733.329. (A) There is hereby created in the division of 1088
financial institutions the credit union council, which shall 1089
consist of seven members. The deputy superintendent for credit 1090
unions shall be a member of the council and its chairperson. The 1091
governor, with the advice and consent of the senate, shall appoint 1092
the remaining six members. 1093

(B)(1) At least five of the six members appointed to the 1094
council shall have had credit union experience. 1095

(2) At least four of the six members appointed to the council 1096
shall be, at the time of appointment, individuals currently 1097
engaged in the exercise of duties, responsibilities, rights, and 1098
powers of a director or chief executive officer of a 1099
state-chartered credit union having its principal office in this 1100
state and doing business in this state pursuant to this chapter 1101
under the authority of the superintendent of financial 1102
institutions. 1103

(3) At least one of the six members appointed to the council 1104
shall be a director or chief executive officer of a 1105
state-chartered, federally insured credit union. 1106

(4) At least one of the six members appointed to the council 1107
shall be a director or chief executive officer of a 1108
state-chartered, privately insured credit union. 1109

(5) At least one of the six members appointed to the council 1110
shall be a director or chief executive officer of a 1111

state-chartered credit union with ~~five~~ thirty-five million dollars 1112
or less in assets. 1113

(6) At least one of the six members appointed to the council 1114
shall be a director or chief executive officer of a 1115
state-chartered credit union with more than ~~five~~ fifty million 1116
dollars in assets. 1117

(C)(1) Initial appointments to the council shall be made 1118
within sixty days after the effective date of this section. Of the 1119
initial appointments, two shall expire one year after the 1120
effective date of this section, two shall expire two years after 1121
the effective date of this section, and two shall expire three 1122
years after the effective date of this section. Thereafter, terms 1123
of office shall be for three years. 1124

(2) Each member shall hold office from the date of 1125
appointment until the end of the term for which the member was 1126
appointed. In the case of a vacancy in the office of any member, 1127
the governor shall appoint a successor, who shall hold office for 1128
the remainder of the term for which the successor's predecessor 1129
was appointed. Any member shall continue in office subsequent to 1130
the expiration date of the member's term until the member's 1131
successor takes office, or until sixty days has elapsed, whichever 1132
occurs first. 1133

(3) If during a member's term on the council, the member 1134
ceases to be a director or chief executive officer of a credit 1135
union as described in divisions (B)(2) to (6) of this section for 1136
a period exceeding ninety days, the member shall be ineligible to 1137
continue to serve as a member of the council, and the member's 1138
position on the council shall be considered vacant. 1139

(D) No person appointed as a member of the credit union 1140
council may serve more than two consecutive full terms. However, a 1141
member may serve two consecutive full terms following the 1142

remainder of a term for which the member was appointed to fill a 1143
vacancy or following any term for which the member was appointed 1144
prior to the effective date of this section. 1145

(E)(1) The council shall hold regular meetings at the time 1146
and place it fixes, but at least once every six months, and shall 1147
meet at any time on call of the deputy superintendent to conduct 1148
its business and to decide by vote of the members the location of 1149
future meetings. Each member shall be provided with written notice 1150
of the time and location of each council meeting at least two days 1151
prior to the scheduled date of the meeting, unless the council by 1152
resolution provides for a shorter time. Four of the members of the 1153
council constitute a quorum to transact and vote on all business 1154
coming before the council. 1155

(2) The council, by a majority vote of those present at a 1156
meeting at which there is a quorum, may adopt and amend bylaws and 1157
rules the council considers necessary and proper. The council 1158
shall select one of its members as secretary, who shall keep a 1159
record of all its proceedings. 1160

(3) No member shall participate in a proceeding before the 1161
council involving any credit union of which the member is or was 1162
at any time in the preceding twelve months a member of the board 1163
of directors, an officer, an employee, or a shareholder. A member 1164
may refrain from participating in the proceedings of the council 1165
for any other cause the member considers sufficient. 1166

(F) The members of the council shall receive no salary, but 1167
their expenses incurred in performance of their duties shall be 1168
paid from funds appropriated for that purpose. 1169

(G) The governor may remove any of the six members appointed 1170
to the council whenever in the governor's judgment the public 1171
interest requires removal. Upon removing a member of the council, 1172
the governor shall file with the superintendent of financial 1173

institutions a statement of the cause for the removal. 1174

Sec. 1733.34. (A) Any credit union may, with the approval of 1175
the superintendent of credit unions, merge with any other credit 1176
union under the existing charter of the other credit union, 1177
pursuant to any plan approved by the board of directors of each 1178
credit union joining in the merger, and approved by ~~two-thirds~~ a 1179
majority of the members of each credit union represented at a 1180
meeting of members in person, by ballot, or by proxy, duly called 1181
for such purpose, at which a ~~minimum of ten per cent~~ quorum of the 1182
entire membership is present, unless such meeting of members of 1183
either credit union has been waived by the superintendent. The 1184
superintendent may waive the members' vote if it is in the 1185
interest of the members, credit union, or for any other reason the 1186
superintendent deems proper. After such approval of the board and 1187
members of each credit union, the president or ~~chairman~~ 1188
chairperson of the board and secretary of each credit union shall 1189
execute a certificate of merger, which shall set forth all of the 1190
following: 1191

(1) The time and place of the meeting of the board of 1192
directors at which the plan was agreed upon; 1193

(2) The vote in favor of adoption of the plan; 1194

(3) A copy of the resolution or other action by which the 1195
plan was agreed upon; 1196

(4) The time and place of the meeting of the members at which 1197
the plan agreed upon was approved; 1198

(5) The vote by which the plan was approved by the members. 1199

(B) Such certificates and a copy of the plan of merger agreed 1200
upon shall be forwarded to the superintendent and, upon approval, 1201
returned to the merging credit unions. 1202

(C) Upon any such merger so effected, all property, property 1203

rights, and interests of the merged credit unions shall vest in 1204
the surviving credit union without deed, endorsement, or other 1205
instrument of transfer, and all debts, obligations, and 1206
liabilities of the merged credit unions shall be deemed to have 1207
been assumed by the surviving credit union under whose charter the 1208
merger was effected. 1209

(D) This section shall be construed, whenever possible, to 1210
permit a credit union chartered under any other act to merge with 1211
one chartered under this act. 1212

(E) All persons and associations eligible for membership, as 1213
provided in section 1733.05 of the Revised Code, of both credit 1214
unions effecting a merger shall be deemed to have a common bond of 1215
association. 1216

Sec. 1733.47. Whenever the approval of the superintendent of 1217
credit unions is required under this chapter, or under an order or 1218
supervisory action issued or taken under this chapter, for a 1219
person to serve as an organizer, incorporator, director, or 1220
executive officer of a credit union, or to otherwise participate 1221
in the management of a credit union, the superintendent shall 1222
request the superintendent of the bureau of criminal 1223
identification and investigation, or a vendor approved by the 1224
bureau, to conduct a criminal records check based on the person's 1225
fingerprints in accordance with division (A)(14) of section 1226
109.572 of the Revised Code. The superintendent of credit unions 1227
shall request that criminal record information from the federal 1228
bureau of investigation be obtained as part of the criminal 1229
records check. Any fee required under division (C)(3) of section 1230
109.572 of the Revised Code shall be paid by the person who is the 1231
subject of the request. 1232

Sec. 1761.26. Whenever the approval of the superintendent of 1233

credit unions is required under this chapter, or under an order or 1234
supervisory action issued or taken under this chapter, for a 1235
person to serve as an organizer, incorporator, director, or 1236
executive officer of a credit union share guaranty corporation, or 1237
to otherwise participate in the management of such a corporation, 1238
the superintendent shall request the superintendent of the bureau 1239
of criminal identification and investigation, or a vendor approved 1240
by the bureau, to conduct a criminal records check based on the 1241
person's fingerprints in accordance with division (A)(14) of 1242
section 109.572 of the Revised Code. The superintendent of credit 1243
unions shall request that criminal record information from the 1244
federal bureau of investigation be obtained as part of the 1245
criminal records check. Any fee required under division (C)(3) of 1246
section 109.572 of the Revised Code shall be paid by the person 1247
who is the subject of the request. 1248

Section 2. That existing sections 109.572, 926.29, 1733.13, 1249
1733.15, 1733.19, 1733.29, 1733.329, and 1733.34 of the Revised 1250
Code are hereby repealed. 1251